

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:96-00081-02

PAUL ANDERSON ROBERTS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On April 2, 2010, the United States of America appeared by Thomas C. Ryan, Assistant United States Attorney, and the defendant, Paul Anderson Roberts, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Steven M. Phillips, the defendant having commenced a two-year less one day term of supervised release in this action on May 2, 2008, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 20, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used controlled substances as evidenced by positive urine specimens submitted by him on March 24 and August 1, 2009, for morphine; a positive urine specimen submitted by him on December 2, 2009, for marijuana and morphine; a positive urine specimen submitted by him on October 30, 2009, for marijuana; his admission to the probation officer on November 2, 2009, that he had recently taken Oxycontin and morphine pills for which he did not have a prescription; his admission to the probation officer on November 10, 2009, that he had smoked marijuana and taken Xanax pills; and his admission to the probation officer on November 13, 2009, that he had taken a twenty-milligram Oxycontin pill two days earlier; (2) that the defendant failed to report for urine screens as directed by the probation officer on August 14 and 31, September 8 and 24, October 7, November 11, and November 20, 2009; (3) that the defendant violated the special condition that he spend six months in a residential drug treatment program inasmuch as he was discharged on August 8, 2009, from the Laurelwood Residential Treatment Program after a

urine specimen taken from him on August 1, 2009, returned positive for morphine; and (4) that the defendant violated the special condition that he be placed in Morehead Inspiration Center for a period of nine to twelve months in that he was admitted into the program on December 17, 2009, and walked away from the treatment center on December 22, 2009, without permission from the program staff or the probation officer; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is

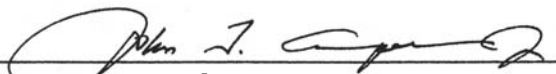
in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS LESS ONE DAY.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Ashland.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 5, 2010

  
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John T. Copenhaver, Jr.  
United States District Judge